

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE

**JOSE C. BELARDO AYALA
IRIS N. ORTIZ SANES**

DEBTORS

CASE: 19-07508 MCF

CHAPTER 13

**REPLY TO CREDITOR'S MOTION
FILED ON DOCKET NUMBER 50**

TO THE HONORABLE COURT:

COME NOW debtors through the undersigned attorney and very respectfully pray and show as follows:

I. Introduction and procedural background:

1. Creditor has filed a motion entitled "Entry of Order".
2. Creditor alleges in his motion that Debtors vehicle is not property of the estate.
3. Creditor completely misleads this Court by alleging that pledging the title of the vehicle was in fact a transfer of title.
4. These are two different things. When a vehicle title's is pledged the vehicle and ownership remain with the Debtors.
5. Creditor must explain how or why they allege the vehicle is not debtors. Ownership remains with the Debtors and thus it is property of the estate.

II. Discussion:

1. Creditor alleges that debtor's vehicle is not property of the estate under Section 541 b(8). Creditor misleads this Honorable Court terribly.
2. The first requirement in this Sub-Section is found on Section 541 b(8)(A), where it says "(A) the tangible personal property is in the possession of the pledge or transferee."
3. In the instant case property of the estate is the vehicle itself, and the same is in the possession of the Debtor. Thus, Creditor does not comply with this first requirement.
4. Secondly, Creditor is forgetting that transfer of property in Puerto Rico of a motor vehicle has to be done through a proper transfer before the Puerto Rico Public Works Department (Departamento de Obras Públicas). Thus, under the Bankruptcy Code at time of filing the title of the vehicle remained in her name and thus it is property of the estate.
5. In an effort to settle the matter, Debtors are offering a new plan proposing payment to creditor together with attorney's fees since the beginning of the Plan.

WHEREFORE debtors very respectfully pray from this Honorable Court to deny Creditor's motion filed on docket number 50.

NOTICE TO CREDITORS AND PARTIES IN INTEREST

Notice is hereby given that a REPLY TO CREDITOR'S MOTION FILED ON DOCKET NUMBER 50 has been filed by Debtor.

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant Fed. R. Bank P. (9006) (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief or remedy sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1)

the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise. If you file a timely response, the court may in its discretion schedule a hearing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the same date of this Notice a copy of the mentioned MOTION was filed by electronic means with the Court which provides notice to all creditors in the CM/ECFM System, and copy has been sent by regular mail to all creditors listed and parties in interest in the master list address that are not in the CM/ECFM System.

In Carolina, Puerto Rico this July 31, 2020

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